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Written statement* submitted by the Indian Council of South America (CISA), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15316(E)

Please recycle

Pakistan calls on the United States to send Alaska, Hawaii and the Dakotas to the United Nations Decolonization Committee of 24 for review in association with their right to self-determination*

The Universal Periodic Review (UPR) dialogue with the United States of America took place at the 22nd Working Group of the Universal Periodic Review at the Human Rights Council in the Palais des Nations on 11th March 2015. The recommendation by Pakistan is based on the paragraph 86 of the Summary. The Shadow Report of the Indigenous Peoples and Nations Coalition (IPNC) and the Koani Foundation resulted in paragraph 86 of the Summary:
86. JS46 stated that Alaska and Hawaii were each a state of peoples recognized under the law of nations and international law as nations, claiming self-determination and self-governance. According to JS46, the US submitted misleading reports to cloak the violations of the Charter of the United Nations and international law.250
In his opening statement on behalf of the delegation of the United States of America, Ambassador Keith Harper (At the above website, number 1, go to about 1:55) quotes President Obama: "America never makes a claim of being perfect; we do make a claim of being open to change", and that, "We commit without equivocation to carefully consider all constructive recommendations." (Watch carefully the United States "response" to the recommendation of Pakistan; it is a total equivocation or evasive answer to the question of Alaska, Hawaii and the Dakotas, totally ignoring the question and reducing the scope to the colonial laws of occupation.)

Thus, the final corrected call by Pakistan was adopted in the report with the following text:

> **Respond to the suggestions made by the UN Special Procedure in paragraph 69 (n) of document A/68/284 regarding [the] cases of Alaska, Hawaii and Dakota. (Pakistan)**

The full paragraph of 69 (n) is from the General Assembly report A/68/284 of the Independent Expert Alfred de Zayas to the General Assembly of the United Nations:

> 69 (n) The General Assembly may consider revisiting the reality of self-determination in today's world and refer to the Special Committee on Decolonization and/or other United Nations instances communications by indigenous and unrepresented peoples wherever they reside, inter alia, in Alaska, Australia, Canada, Chile, China, the Dakotas, French Polynesia, Hawaii, Kashmir, the Middle East, the Moluccas, New Caledonia, Northern Africa, Sri Lanka and West Papua, with reference to Chapter XI of the Charter of the United Nations. The General Assembly may also consider amending its rules and procedures to allow for the participation of indigenous and non-represented peoples. Meanwhile, the Assembly should urge States to implement the Declaration on the Rights of Indigenous Peoples. It should ensure that indigenous, non-represented peoples, marginalized and disempowered peoples, and peoples under occupation have a genuine opportunity to participate in decision-making processes;

Ms. Mary McLeod, Acting Legal Adviser of the Office of the Legal Adviser of the U.S. Department of State. She also responded to calls for the United States to become a party to the ICC Rome Statue in a clear demonstration of selectivity in applying international standards by explaining that the US acts only on its "interests" at about 1:50:

> "The United States is not at this time considering becoming a party to the Rome Statute, but we continue to engage with the States parties to the Rome Statue on issues of concern, and supporting the ICC's prosecution of those cases that advance U.S. interests and values consistent with the requirements of U.S. law."

The "response" to Pakistan was given at about 3:20:40 by Mr. Kevin Washburn of the of the United States of America; it was a complete "equivocation" of Pakistan's request to respond to the call that Alaska, Hawaii and Dakotas be reviewed by the United Nations Decolonization Committee.

Kevin Washburn responds to Pakistan on behalf of the United States.

At 3:20:40, Kevin Washburn, the Assistant Secretary for Indian Affairs at the US Department of the Interior explained the situation of Indigenous Peoples and Indigenous policy in the United States.

Mr. Washburn gave a synopsis of the federal Indian policy under the Obama administration and the recent Supreme Court decisions and their implementation process. In his explanation he unilaterally reduces the scope of the right from international law obligations to domestic colonial laws of occupation. This, for Alaska, Hawaii and the Dakotas was a first-hand display of continuing discrimination. From the White House Tribal Nations Conference, to explanations of federal decision-making, to addressing past wrongs in the Cobell Trust litigation and to the Keepseagle agricultural discrimination litigation, Mr. Washburn diminishes the international rights to petty settlements that amount to pennies on the dollar for territories and resources taken from Indigenous Nations. He capped his north star of discrimination by likening the principles of Tribal self-governance and self-determination as a "north star", when in fact, for Alaska and Hawaii and the Dakotas it was a total omission of an answer to the international obligations to the states of peoples who have the right to pursue their international legal and political right to self-determination without the discriminating domestic law policies imposed on their nations. The Independent Expert Alfred de Zayas also explained that self-determination cannot be understood as a one-time choice, not does it extinguish with lapse of time. (A/69/272, paragraph 3).

Given this international status and absolute title and dominion to the Alaska territory and resources, the United States of America does not have the jurisdiction or the right to diminish our territory into "land into trust" under the premise of judicial decisions that the land is for the settlement of the white race in the 1955 Tee-Hit-Ton v. United States of America case (348 U.S. 272, footnote 18) and that we must adhere to the superior genius of the European civilization in the 1823 Johnson v. McIntosh case (8 Wheaton 543). As stated in the UPR Shadow Report submitted by IPNC and Koani, the Confidential Memorial gives clear evidence that in diplomatic communications the United States of America asserted that there is no "discovery title" in Alaska and that the Indigenous Tribes are independent. The status of the Indigenous Peoples of Alaska is that the foundation of our rights is based on our independent status as a state of peoples. The Kingdom of Hawaii is a fully operating independent international State.

The Great Sioux Nation

Currently, the majority of the population of the Sioux Nation, which has a legal, international treaty with the United States, the Fort Laramie Treaty of 1868, reside in the American states of North and South Dakota. The Treaty territory initially covered all of western South Dakota and parts of North Dakota, Montana, Wyoming and Nebraska. According to the Treaty, this territory was to be "for the absolute and undisturbed use and occupation" of the Sioux nation. However, when gold was discovered in South Dakota in 1874, the United States began trespassing and occupying the Treaty territory, and placed the surviving people of the Sioux nation into prisoner of war camps called 'reservations' where the majority of the Sioux people live today.

Beginning in the 1950s, without the free, prior, and informed consent of the Sioux nation, also known as Lakota, Dakota, and Nakota, more than two-thousand open pit Uranium mines and prospects were allowed to be built by the United States within the 1868 Treaty Territory. Today, those abandoned Uranium mines and prospects, large holes in the ground, spew radioactive dust and contaminate both surface and underground water leading to the subtle and certain genocide of the Sioux Nation. Also, at least four active In Situ Recovery mines are currently operating within the 1868 Treaty territory, and one is presently responsible for the radioactive contamination of the Pine Ridge Indian Reservation. More than 30,000 Sioux people drink radioactively contaminated water.

The Spokesperson for the Sioux Nation Treaty Council who is from POW Camp #344, and has been bringing this information to the United Nations for years, has been threatened by a Uranium mining company and no longer travels without an escort.

Miguel Alfonso Martinez's Treaty Study for the United Nations, E/CN.4/Sub.2/1999/20, clearly recognized the international legality of the Fort Laramie Treaty of 1868 in Paragraphs 270 thru 273, and 275 thru 279

The illegal, unethical, and immoral violation by the United States of the Fort Laramie Treaty of 1868 is still fulfilling the United States' wish to totally eradicate and make extinct the Sioux nation through the use of radioactive pollution and the subsequent health effects to the Sioux people. Representatives of the Sioux Nation have been participating at the United Nations and reiterating these facts for more than 30 years. How much longer will the United Nations stand aside and allow this ethnic cleansing, this destruction of one of the most ancient nations on Earth to continue? The Sioux

Nation is only asking for their liberation and survival through listing with the Special Committee on Decolonization, and the upholding and enforcement of the Fort Laramie Treaty of 1868.

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*Indigenous Peoples and Nations Coalition (IPNC) Koani Foundation (Koani), NGOs without consultative status, also share the views expressed in this statement.